

Attorney Docket No.: 58799 (71699)

**AMENDMENTS TO THE CLAIMS**

1-15. (Canceled)

16. (Previously Presented) A method of killing a cell that is sensitive to DT-A or PEA, comprising infecting the cell with an adenovirus produced by a packaging cell line, wherein the cell line is capable of producing adenovirus that expresses the A subunit of diphtheria toxin (DT-A) or Pseudomonas Exotoxin A (PEA), wherein the cell line does not produce replication-competent adenovirus when used in conjunction with non-overlapping E1-deleted adenovirus, wherein the cell line is resistant to DTA and PEA and wherein the cell line has a mutated EF-2 gene.

17. (Original) The method of claim 16, wherein the cell is a cancer cell.

18. (Canceled)

19. (Previously Presented) A method of selectively killing a cell in a subject, comprising administering a therapeutically effective amount of an adenovirus to the subject wherein the adenovirus is produced by a packaging cell line, wherein the cell line is capable of producing adenovirus that expresses the A subunit of diphtheria toxin (DT-A) or Pseudomonas Exotoxin A (PEA), and wherein the cell line does not produce replication-competent adenovirus when used in conjunction with non-overlapping E1-deleted adenovirus, wherein the cell line has a mutated EF-2 gene, wherein the adenovirus comprises a tissue-specific promoter or enhancer that controls the expression of the DT-A or PEA wherein the tissue-specific promoter or enhancer is active only in the cell and not in other cells, thereby killing the cell but not other cells.

20. (Original) The method of claim 19, wherein the cell is a cancer cell.

21. (Canceled)

22. (Previously Presented) A method of treating a subject suffering from cancer comprising administering a therapeutically effective amount of the adenovirus to the subject, wherein the adenovirus is produced by a packaging cell line, wherein the cell line is capable of producing adenovirus that expresses the A subunit of diphtheria toxin (DT-A) or Pseudomonas Exotoxin A (PEA), and wherein the cell line does not produce replication-competent adenovirus when used in conjunction with non-overlapping E1-deleted

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adenovirus, wherein the cell line has a mutated EF-2 gene and wherein the cell line is resistant to DTA and PEA thereby treating said cancer.

23.-32. (Canceled)

33. (Currently Amended) The method of any one of claims 16, 19, or 22, wherein the mutated EF-2 gene encodes an EF-2 protein that is mutated at codon 705.

34. (Previously Presented) The method of claim 33, wherein the glycine residue at codon 705 of the EF-2 protein is mutated to arginine.

35. (Previously Presented) The method of claim 16, wherein the cells are resistant to about  $10^{-9}$  M diphtheria toxin.

36. (Previously Presented) The method of claim 16, wherein the cells contain the adenovirus E1 region.

37. (Previously Presented) The method of claim 16, wherein the cells contain the adenovirus serotype 5 (Ad5) E1-A and E1-B encoding sequences.

38. (Previously Presented) The method of claim 16, wherein the cells are derived from PER.C6 cells.